

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL COLESON, JR.,

17-cv-5381 (JGK)

PLAINTIFF,

MEMORANDUM OPINION AND
ORDER

- AGAINST -

QUALITEST PHARMACEUTICAL MANUFACTURE
ET AL.,

DEFENDANTS.

JOHN G. KOELTL, District Judge:

The plaintiff filed a Notice of Appeal on **May 25, 2018**.

Dkt. No. 51. In the Notice of Appeal, the plaintiff requests that the Court alter or amend the Court's ruling of **May 7, 2018**, which dismissed the plaintiff's case, pursuant to Federal Rules of Civil Procedure 59 and 60. See Dkt. No. 48. That request is **denied** because the plaintiff has not shown any basis for the request.

The plaintiff has also requested to proceed in forma pauperis on appeal. "The decision of whether to grant a request to proceed in forma pauperis is left to the District Court's discretion under 28 U.S.C. § 1915. The Court's discretion is limited in that: An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010). The "good faith" standard is an objective one, and it is not met when a party seeks review of a frivolous claim. See Coppedge v. United States, 369 U.S. 438, 445 (1962); Linden v. Harper & Row Publishers, 490 F. Supp. 297, 300 (S.D.N.Y. 1980) (applying the objective good faith standard in the civil context). Here, the plaintiff has failed to demonstrate that his claims have any merit. Accordingly, the plaintiff's application to proceed in forma pauperis is **denied**, without prejudice to his ability to seek the same relief from the Court of Appeals. See Coppedge, 369 U.S. at 445.

SO ORDERED.

Dated: New York, New York
May 30, 2018



John G. Koeltl
United States District Judge